

Commenter Name / Letter ID	Comment
<b><i>Spiritual and cultural connection to the Black Hills</i></b>	
Julie Santella / 8268	<p>I live in Rapid City, SD. I grew up in eastern South Dakota, moved away for a number of years, and moved back within the last few years. This is my home. In plain language, I can tell you that the vast majority of people I know, and especially people in the southern Black Hills, do not wish for the DeweyBurdock project to open. I can tell you that an even higher percentage of Lakota people, whose ancestors and relatives have called the Black Hills home since the beginning of time, who have spiritual and cultural connections to this place beyond what you and I as non-Native people can understand, do not wish for the Dewey-Burdock project to open. I implore you to listen to what people here are asking of you, which is to deny Powertech's request for deep injection well permits at Dewey-Burdock.</p> <p>Sincerely, Julie Santella PhD candidate Department of Geography, Environment, and Society University of Minnesota</p>
<b><i>Need to consider human health impacts from a cultural perspective</i></b>	
Julie Santella / 8268	<p>The EPA's draft environmental justice analysis raises important points related to the significance of the Black Hills as a sacred site and related to treaty obligations, but the EPA appears to separate these issues from their responsibility to protect underground sources of drinking water..... <b>The EPA must consider potential adverse impacts to human health from a cultural perspective as well as from a technical/scientific perspective....</b></p>
<b><i>Need to further evaluate expanded study area</i></b>	
Julie Santella / 8268	<p>Further, an environmental justice analysis must do more than just pay lip-service to an expanded study area. In particular, specific impacts to specific Indigenous communities are not considered. The Black Hills sits up-gradient and serves as a headwaters zone for watersheds to the east. In particular, Wakpa Waste, or the Cheyenne River, flows from the Dewey-Burdock area through the northwestern corner of the Pine Ridge Indian Reservation and serves as the southern boundary of the Cheyenne River Reservation before joining the Missouri River. At a bare minimum, specific impacts to Oglala Sioux Tribe and Cheyenne River Sioux Tribe lands and members must be considered in relation to this proposal, particularly in light of the prior contamination both reservations have experienced as a result of historic mining activities.</p>

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<b><i>Need for meaningful tribal consultation</i></b>	
Julie Santella / 8268	<p>First, required engagement with Tribal Nations, in the form of govt-to-govt consultation per Executive Order 13175 and in compliance with Section 106 of the National Historic Preservation Act, has barely begun. These draft permits should not have been issued before proper and meaningful Tribal consultation takes place, especially given that the EPA is explicitly seeking comments on "the identification of traditional cultural properties at the Dewey-Burdock Project Site."</p> <p>[...]</p> <p>If the EPA is interested in the cultural significance of the Dewey-Burdock area, it must meaningfully consult with Indigenous peoples who have been the caretakers of these lands since time immemorial.</p>
<b><i>Improper reliance on NRC cultural resources analysis SDDENR draft permits/analyses</i></b>	
Julie Santella / 8268	<p>Next, <b>the EPA's reliance upon the Nuclear Regulatory Commission's cultural resources analysis is wholly inappropriate</b>, given that the NRC process remains tied up in ongoing and unresolved litigation brought by Oglala Sioux Tribe. In 2015, the Atomic Safety and Licensing Board ruled that the NRC staff had failed to comply with the National Historic Preservation Act in this matter. In 2018, the US Court of Appeals for the District of Columbia upheld that decision, ruling again that the NRC staff had failed to properly identify and consider impacts to cultural resources related to the proposed Dewey-Burdock project. Therefore, when the EPA notes in its draft National Historic Preservation Act Compliance document that the NRC's review of cultural resources "appears sufficient," they are contradicting both the ASLB and the DC Court of Appeals. The NRC Programmatic Agreement, referenced in the National Historic Preservation Act Compliance document, is not valid, because one of the conditions of the PA, that a cultural resources survey be conducted, has not yet happened.</p>
Julie Santella / 8268	<p>Throughout these documents, the EPA appears to be relying heavily on the NRC and SD Department of Environment and Natural Resources draft permits/analyses. The DENR permits have not been issued, and while the NRC license is technically issued, it's tied up in litigation. <b>The EPA is legally required to conduct its own environmental analysis</b>, not just rely on other agencies.</p>
<b>Need to consider cultural matters in Cumulative Effects Analysis</b>	
Julie Santella / 8268	<p>From my reading, <b>the EPA's Cumulative Effects document does not reference cultural matters</b>, which, to serve as functionally equivalent to NEPA compliance, it must.</p>

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<b><i>Improperly dismiss impacts of waste material disposal at the White Mesa Mill</i></b>	
Julie Santella / 8268	Further, the EPA dismisses the impacts of waste material disposal at the White Mesa Mill, including impacts to the White Mesa Ute community. Many issues have been associated with White Mesa. Concerns have been raised related to transportation incidents, groundwater contamination, and storage capacity. The argument that material from Dewey-Burdock would be so small that it is “not considered significant” is disappointing. Transporting solid waste to Utah should be considered a direct impact of the project proposal. This transportation process is also directly related to the liquid disposal, because the dewatering process plays a role in the constituents that will be found in waste streams and threats posed by transporting radioactive slurries.

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